

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE: '318 PATENT INFRINGEMENT LITIGATION	)
	) Civil Action No. 05-356-KAJ
	) (consolidated)
	)

**PLAINTIFFS' MOTION SEEKING RETURN  
OR DESTRUCTION OF PRIVILEGED DOCUMENTS**

Pursuant to paragraph 4(f) of the Court's Scheduling Order, paragraph 29 of the Stipulated Protective Order, and Rule 37 of the Federal Rules of Civil Procedure, Plaintiffs, Janssen Pharmaceutica N.V., Janssen, L.P. and Synaptech, Inc. (collectively, "Plaintiffs") submit this motion asking the Court to compel the return or destruction of unredacted versions of certain inadvertently produced privileged documents, JAN RAZ 0192627 - JAN RAZ 0192641 and JAN RAZ 0177809 - JAN RAZ 0177812. The Court should order the return or destruction of these documents for the reasons stated in the memorandum accompanying this motion.

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*/s/ Tiffany Geyer Lydon*

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*Attorneys for Plaintiffs*

Dated: October 6, 2006  
173957.1

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1.1**

I hereby certify that counsel for plaintiffs has discussed the subject of the attached motion with counsel for defendants, but that no agreement could be reached.

*/s/ Tiffany Geyer Lydon*

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Tiffany Geyer Lydon

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IN RE: '318 PATENT INFRINGEMENT )  
LITIGATION ) Civil Action No. 05-356-KAJ  
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**ORDER**

The Court having considered Plaintiffs' Motion Seeking the Return or Destruction of Certain Privileged Documents, and the parties' arguments in support and opposition thereof,

IT IS HEREBY ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2006 that Plaintiffs' motion is GRANTED. Within three business days of the date of this order, defendants shall return to Plaintiffs or certify the destruction of the unredacted versions of the following documents: (1) JAN RAZ 0192627 - JAN RAZ 0192641; (2) JAN RAZ 0177809 - JAN RAZ 0177812. Defendants shall also destroy any summaries or notes concerning the information contained in the redacted portions of these documents.

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United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6th day of October, 2006, the attached **PLAINTIFFS'**  
**MOTION SEEKING RETURN OR DESTRUCTION OF PRIVILEGED DOCUMENTS**

was served upon the below-named counsel of record at the address and in the manner indicated:

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*/s/ Tiffany Geyer Lydon*

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Tiffany Geyer Lydon